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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR08-270-RSL
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 LARRY DEAN SWIHART,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
_____)

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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on December 4, 2009. The United States was represented by AUSA Kathryn Warma and the
16 defendant by Jennifer Wellman. The proceedings were digitally recorded.

17 Defendant had been sentenced in the District of Oregon on or about March 23, 2005 by
18 the Honorable Anna J. Brown, Case No. CR04-207, on a charge of Unarmed Bank Robbery, and
19 sentenced to 39 months custody, 3 years supervised release. (Dkt. 9 at 8-9.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA and pay restitution in the amount
22 of \$2,140.

01 The case was transferred to this District on August 13, 2008. (Dkt. 9 at 6.) On August
02 15, 2008, defendant admitted to violating the conditions of supervised release by using a
03 controlled substance and failing to submit to urine analysis testing, failing to report to his
04 probation officer as directed, and failing to notify his probation officer within 72 hours of a
05 change in residence. (Dkt. 7.) Defendant was sentenced to time served and 24 months supervised
06 release on the standard conditions, plus the requirement that he participate in substance abuse
07 testing and treatment, abstain from alcohol, provide his probation officer with the names of all
08 treating doctors and prescription medications, as well as provide his physician of his substance
09 abuse history, submit to search, pay restitution in the amount of \$2,140, provide financial
10 information to his probation officer on request, and be prohibited from incurring new credit
11 obligations or opening new lines of credit without approval. (Dkt. 12.)

12 On May 29, 2009, defendant admitted violating the conditions of supervised release by
13 failing to report for drug testing. (Dkt. 22.) On October 15, 2009, defendant admitted violating
14 the conditions of supervised release by failing to notify his probation officer within ten days of
15 a change in residence and consuming alcohol. He was sentenced on the three violations to up to
16 60 days in custody, with release to a half-way house for up to 120 days when available, plus
17 supervised release of 19 months. (Dkt. 36.)

18 In an application dated November 30, 2009 (Dkt. 37), U.S. Probation Officer Steven R.
19 Gregoryk alleged the following violation of the conditions of supervised release:

20 1. Failure to participate in a Residential Reentry Center (RRC) for a period of 120
21 days, in violation of the special condition of supervision which requires the defendant to reside
22 in an RRC.

01 Defendant was advised in full as to the charge and as to his constitutional rights.

02 Defendant admitted the alleged violation and waived any evidentiary hearing as to
03 whether it occurred.

04 I therefore recommend the Court find defendant violated his supervised release as
05 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
06 hearing will be set before Judge Lasnik.

07 Pending a final determination by the Court, defendant has been detained.

08 DATED this 7th day of December, 2009.

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10 Mary Alice Theiler
11 United States Magistrate Judge

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13 cc: District Judge: Honorable Robert S. Lasnik
14 AUSA: Kathryn Warma
15 Defendant's attorney: Jennifer Wellman
16 Probation officer: Steven R. Gregoryk
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